

**Public Comment**

All interested parties will have the opportunity to submit case and rebuttal briefs on the preliminary scope determination. The deadline for these comments will be established in the **Federal Register** notice regarding the preliminary determination of the companion antidumping duty investigation of collated staples from China to be issued at a later date.

Case briefs or other written comments, not pertaining to scope issues, may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.<sup>14</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Parties are reminded that briefs and hearing requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date.

**International Trade Commission Notification**

In accordance with section 703(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its determination. Pursuant to section 705(b)(2) of the Act, if the final

determination is affirmative, the ITC will make its final injury determination before the later of 120 days after the date of this preliminary determination or 45 days after Commerce's final determination.

**Notification to Interested Parties**

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: November 4, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

**Appendix I****Scope of the Investigation**

The merchandise covered by the scope of this investigation is certain collated steel staples. Certain collated steel staples subject to this proceeding are made from steel wire having a nominal diameter from 0.0355 inch to 0.0830 inch, inclusive, and have a nominal leg length from 0.25 inch to 3.0 inches, inclusive, and a nominal crown width from 0.187 inch to 1.125 inch, inclusive.

Certain collated steel staples may be manufactured from any type of steel, and are included in the scope of the investigations regardless of whether they are uncoated or coated, and regardless of the type or number of coatings, including but not limited to coatings to inhibit corrosion.

Certain collated steel staples may be collated using any material or combination of materials, including but not limited to adhesive, glue, and adhesive film or adhesive or paper tape.

Certain collated steel staples are generally made to American Society for Testing and Materials (ASTM) specification ASTM F1667-18a, but can also be made to other specifications.

Excluded from the scope of these investigations are any carton-closing staples covered by the scope of the existing antidumping duty order on *Carton-Closing Staples from the People's Republic of China*. See *Carton-Closing Staples From the People's Republic of China: Antidumping Duty Order*, 83 FR 20792 (May 8, 2018).

Certain collated steel staples subject to these investigations are currently classifiable under subheading 8305.20.0000 of the Harmonized Tariff Schedule of the United States (HTSUS).

While the HTSUS subheading and ASTM specification are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

**Appendix II****List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Preliminary Determination of Critical Circumstances
- IV. Alignment
- V. Injury Test

- VI. Diversification of China's Economy
- VII. Use of Facts Otherwise Available and Adverse Inferences
- VIII. Subsidies Valuation
- IX. Benchmarks and Interest Rates
- X. Analysis of Programs
- XI. Recommendation

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-570-831]

**Fresh Garlic From the People's Republic of China: Final Results of the Semiannual Antidumping Duty New Shipper Review of Jinxiang Infang Fruit & Vegetable Co., Ltd.**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) has conducted a new shipper review (NSR) of Jinxiang Infang Fruit & Vegetable Co., Ltd. (Infang) regarding the antidumping duty order on fresh garlic from the People's Republic of China (China). The period of review (POR) is November 1, 2017 through May 31, 2018. Based on our analysis of the comments received, we continue to find that Infang's sale was a *bona fide* transaction, and that that sale was made below normal value (NV).

**DATES:** Applicable November 12, 2019.

**FOR FURTHER INFORMATION CONTACT:** Alex Cipolla, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4956.

**SUPPLEMENTARY INFORMATION:****Background**

On July 9, 2018, at the request of Infang, Commerce published a notice of initiation of a new shipper review of fresh garlic from China for the period November 1, 2017 through May 31, 2018.<sup>1</sup> On June 13, 2019, Commerce published the preliminary results of this new shipper review.<sup>2</sup> On August 29,

<sup>1</sup> See *Fresh Garlic from the People's Republic of China: Initiation of Semiannual Antidumping Duty New Shipper Review; 2017-2018*, 83 FR 31734 (July 9, 2018); see also Infang's Letter, "Fresh Garlic from the People's Republic of China—Request for New Shipper Review," dated May 23, 2018.

<sup>2</sup> See *Fresh Garlic from the People's Republic of China: Preliminary Results of the Antidumping Duty New Shipper Review*, 84 FR 27585 (June 13, 2019) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

<sup>14</sup> See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements).

2019, the deadline for the final results was extended to November 1, 2019.<sup>3</sup> On September 19, 2019, Commerce cancelled the planned verification of Infang’s responses due to the petitioners’<sup>4</sup> withdrawal of their verification request.<sup>5</sup>

A summary of the events that occurred since Commerce published the *Preliminary Results*, as well as a full discussion of the issues raised by parties for this final determination, are found in the Issues and Decision Memorandum, hereby adopted by this notice.<sup>6</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and it is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

**Scope of the Order**

The merchandise covered by this order is all grades of garlic, whether whole or separated into constituent cloves. The subject merchandise is currently classifiable under the Harmonized Tariff Schedule of the United States (“HTSUS”) subheadings: 0703.20.0000, 0703.20.0005, 0703.20.0010, 0703.20.0015, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, 0711.90.6500, 2005.90.9500, 2005.90.9700, and 2005.99.9700. A full description of the scope of the order is contained in the Issues and Decision Memorandum.<sup>7</sup> Although the HTSUS subheadings are

<sup>3</sup> See Memorandum, “Fresh Garlic from the People’s Republic of China—2017–2018 Semiannual Antidumping Duty New Shipper Review: Extension of Deadline for the Final Results of the Review,” dated August 29, 2019.

<sup>4</sup> The petitioners are the Fresh Garlic Producers Association (FGPA) and its individual members: Christopher Ranch L.L.C., the Garlic Company, and Valley Garlic.

<sup>5</sup> See Petitioners’ Letter, “27th New Shipper Review of the Antidumping Duty Order on Fresh Garlic from the People’s Republic of China—Petitioners’ Withdrawal of Request for Verification,” dated August 23, 2019.

<sup>6</sup> See Memorandum, “Decision Memorandum for the Final Results of the Semiannual 2017–2018 Antidumping Duty New Shipper Review: Fresh Garlic from the People’s Republic of China,” dated November 1, 2019 (Issues and Decision Memorandum).

<sup>7</sup> See the Issues and Decision Memorandum.

provided for convenience and customs purposes, the written product description is dispositive.

**Final Results of New Shipper Review**

As explained in the Issues and Decision Memorandum, we continue to find that Infang’s sale is *bona fide* within the meaning of section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act). Commerce continues to find that the following weighted-average dumping margin exists for the period November 1, 2017 through May 31, 2018:

Producer/exporter	Weighted-average dumping margin (dollars per kg)
Producer: Jinxiang Excelink Foodstuffs Co., Ltd ..... Exporter: Jinxiang Infang Fruit & Vegetable Co., Ltd.	4.31

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues that are raised in the briefs and addressed in the Issues and Decision Memorandum is in the Appendix to this notice.

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of the NSR of Infang for shipments of subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act. Commerce will instruct U.S. Customs and Border Protection (CBP) to collect the following cash deposits: (1) For subject merchandise produced and exported by the producer and exporter combination listed in the “Final Results of New Shipper Review” section above, the cash deposit rate will be the rate listed above; (2) for subject merchandise exported by Infang, but not produced by Jinxiang Excelink Foodstuffs Co., Ltd., the cash deposit rate will be the rate for the China-wide entity; and (3) for subject merchandise produced by Jinxiang Excelink Foodstuffs Co., Ltd., but not exported by Infang, the cash deposit rate will be the rate applicable to the relevant exporter. These deposit requirements shall remain in effect until further notice.

**Assessment Instructions**

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b), Commerce

has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions directly to CBP 15 days after publication of this notice.

**Notification to Importers**

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

**Return or Destruction of Proprietary Information**

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of business proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3). We request timely written notification of return or destruction of APO materials or conversion to judicial protective order. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

**Notification to Interested Parties**

This notice is issued and published in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act and 19 CFR 351.214.

Dated: November 1, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

**Appendix—List of Topics Discussed in the Issues and Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Issues
  - Comment 1: Whether Romania or Mexico is a Significant Producer of Comparable Merchandise
  - Comment 2: Whether the Garlic Market in Romania is Distorted
  - Comment 3: Whether Garlic Grown in Romania or Mexico is of a Comparable Size to Garlic in China
  - Comment 4: Whether Romania or Mexico Offer the Best Data
- V. Recommendation

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